

# **MINUTES**

## **City of Carrollton Mayor and Council Meeting**

### **JANUARY 5, 2009**

### **6:00 p.m.**

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**Public Safety Complex, Court/Council Chambers, 115 West Center Street,  
Carrollton, Georgia**

#### **I. CALL TO ORDER**

The Mayor and City Council met in regular session on Monday, January 5, 2009 at 6:00 p.m. in the Public Safety Annex Building, 115 West Center Street, Carrollton, Georgia. Mayor Garner called the meeting to order at 6:00 p.m. Members present: Mayor Wayne Garner, Councilmember Peter Balega, Councilmember Gerald Byrd, Councilmember Rusty Gray and Councilmember Mandy Maierhofer. At this time, Mayor Garner explained the meeting procedures to meeting attendees.

#### **II. INVOCATION**

Councilmember Byrd offered the invocation.

#### **III. CITIZEN COMMENTS**

There were none.

#### **IV. MINUTES (December 1, 2008)**

**Motion by Councilmember Byrd, seconded by Councilmember Gray to approve the Minutes of the December 1, 2008 meeting of the Mayor and Council. Motion passed (5-0).**

#### **V. ITEMS OF DISCUSSION**

##### **1. Carroll County Sheriff Terry Langley**

Carroll County Sheriff Terry Langley expressed his appreciation to the Mayor and Council, City Manager Coleman, Police Chief Richards and the Carrollton Police Department for everyone's continuing cooperation and support of the West Metro Regional Drug Task Force. In addition, Sheriff Langley advised that the project would not have been possible without the partnership of the City and County working together to make it possible.

##### **2. Rezoning Request: Rezone from R-O-I (Residential Office Institutional) to C-2 (General Commercial)**

**Property Location: 773 South Park Street**

**Petitioner: Jimmy Warren on behalf of Greg Gowens**

A public hearing was held to receive citizen input on a request from petitioner Jimmy Warren (on behalf of Greg Gowens) to rezone property located at 773 South Park Street from R-O-I (Residential Office Institutional) to C-2 (General Commercial). PZA Charles Griffin advised that the Planning Commission has recommended approval of the rezoning request with conditions as follows:

1. There shall be an undisturbed 15-foot natural buffer along the North and West boundaries.
2. All lighting and signage on the site is limited to the front of the property facing U.S. Highway 27. Security lighting only shall be permitted in the rear of the building site and must be erected in such a manner so as not to directly shine in the adjoining houses on Kramer Street.
3. The placement of the dumpster on the site is limited to a location approved by City Staff, but in no case shall it be located at the rear of the site.
4. The setbacks and building footprint at the site shall be substantially the same as the site plan presented as part of the application.

5. In addition to the fifteen-foot (15') natural buffer, a six-foot (6') wooden privacy fence shall be erected along the North and West property boundaries.

At this time, Mayor Garner opened the public hearing to receive citizen input. Those speaking in favor: Mr. Jimmy Warren (on behalf of Petitioner Greg Gowens). Those speaking opposed: Mr. Steve Barr expressed concerns regarding noise which the project could create should the Good Year Tire Company locate on said property. Also expressed were concerns regarding property values and the fact that nearby residents felt they were not properly notified of the matter. At this time Mayor Garner asked for a motion to carry the item back to the Planning Commission for reconsideration due to area residents feeling there was a lack of notification of the matter.

**Motion by Councilmember Gray, seconded by Councilmember Maierhofer to send the rezoning request back to the Planning Commission for reconsideration. Motion passed 5 – 0.**

### **3. Resolution 01-2009: Pawn Shop Ordinance**

City Manager Coleman presented to the Mayor and Council for their consideration Resolution 01-2009: Pawnshop and Pawnbroker Ordinance prepared by City Attorney Connerly, with input from Police Chief Richards.

Police Chief Joel Richards advised that the current City Code regarding pawnbrokers and pawnshops is vague and outdated and that pawnshops historically have been known as a venue for the transfer of stolen property. In addition, Chief Richards informed the Mayor and Council that the proposed Ordinance will provide direction and guidance in the administration of the regulation of pawnshops and pawnbrokers because new technologies have been developed which will allow law enforcement to better monitor transactions at pawn shops and properties pledged for same. At this time, Mr. Leland Rish of Rish Pawnshop and Mr. Mitch White of Gold Nugget Pawnshop spoke opposed to the Ordinance. Police Chief Richards advised that if the proposed ordinance is approved, the existing ordinance shall remain in full force and effect until April 1, 2009, which would allow pawnshop businesses a reasonable amount of time to comply with the new ordinance.

**Motion by Councilmember Gray, seconded by Councilmember Maierhofer to adopt Resolution 01-2009: Pawnshop Ordinance as presented. Motion passed – (5-0).**

### **4. Naming of Joshua Mabry Street (formerly Old King Street)**

City Manager Coleman reported that Councilmember Byrd had requested the Mayor and Council consider renaming Old King Street to Joshua Mabry Street in honor of Mr. Mabry. Mr. Mabry and his family resided on Old King Street for many years until his untimely death last November. Mr. Mabry served Carrollton City residents for 30 years as a productive member of the Carrollton City School Board.

**Motion by Councilmember Byrd, seconded by Councilmember Gray to rename Old King Street to Joshua Mabry Street. Motion passed – (5-0).**

### **5. Bob Young**

City Attorney Chuck Conerly presented to the Mayor and Council Civil Action 08 CV 03016 regarding legal action against the City of Carrollton due to denial of Mr. Bob Young's rezoning request from Residential (R-20) to Office-Institutional for property located at 601 Rome Street. City Attorney Conerly advised that Georgia Law provides that this matter may be reconsidered in an effort to resolve and/or settle potential legal action.

Mayor Garner announced that while it was not required by law for the Mayor and Council to receive citizen input on a rezoning issue that had become a legal matter; he did want the neighbors that would be affected by any zoning changes to have the opportunity to voice their concerns. At this time, Mayor Garner opened the floor to receive citizen input on the matter. Those speaking in

favor: Attorney David Mecklin, speaking on behalf of Mr. Bob Young, requested that the Mayor and Council reach a settlement with the petitioner in lieu of having the matter go to court. Attorney Mecklin explained that an offer to settle included the Mayor and Council rezoning the property located at 601 Rome Street to RO-I (Residential Office-Institutional). Mr. Mecklin noted that the rezoning request had changed from the initial requested zoning, Office-Institutional to Residential Office-Institutional.

Those speaking opposed to the settlement conditions to rezone the property RO-I:

Sara Huff, 118 Rudy Street inquired as to who had proposed the rezoning. Ms. Huff expressed concerns over future zoning of the same in the neighborhood should the property be rezoned RO-I.

City Attorney Conerly advised that Mr. Bob Young had filed the application. Mayor Garner advised that the City was being sued regarding the rezoning issue and a settlement had been offered and that was the purpose of holding this discussion and open forum.

Chris Huff, 118 Rudy Street spoke opposed to the rezoning and requested the Mayor and Council deny the rezoning. Mr. Huff shared numerous slides of vacant lots and buildings zoned Commercial in Carrollton. Mr. Huff pointed out that the City had a very large number of vacant commercial properties in Carrollton. Mr. Huff also reviewed the seven standards to consider when rezoning and pointed out that rezoning the property RO-I would not be consistent with the Comprehensive Plan.

Margaret Mitchell, 605 Rome Street spoke opposed to the matter and requested the Mayor and Council go with their previous decision. Ms. Mitchell expressed concerns over setting precedence.

Grace Redding, 114 Rudy Street spoke opposed to rezoning the property RO-I.

Those speaking in favor of the settlement conditions to rezone the property Residential Office-Institutional: Mr. Casey Vance, 719 Rome Street spoke in favor of the request. Mr. Vance mentioned that there were other very nice commercial businesses in the area and by approving the rezoning it would definitely improve the depressed property.

Mike Browning, 123 Brown Street stated he was in favor of the rezoning but disliked the circumstances surrounding the issue (lawsuit). Mr. Browning also reported that residential and commercial areas can co-exist and actually improve the neighborhood, citing Dr. Drews dental office located at 705 Rome Street.

Mr. Josh Masters, 605 Rome Street spoke opposed to the rezoning.

At this time Attorney Mecklin advised that the proposed rezoning is not commercial property as the vacant properties depicted in the Huff's presentation, but Residential Office-Institutional.

There being no further discussion, Mayor Garner inquired to the wishes of the Council regarding the legal action and the settlement proposed to resolve the matter. Following a brief discussion, **motion by Councilmember Maierhofer, seconded by Councilmember Gray to approve the proposed settlement and rezone the property located at 601 Rome Street to Residential Office- Institutional with the condition that the property can only be utilized for office or residential purposes. Those in favor: Mayor Garner, Councilmember Byrd, Councilmember Gray and Councilmember Maierhofer. Those opposed: Councilmember Balega. Motion carried (4-1).**

## **6. Carrollton Historic Depot**

City Manager Coleman presented to the Mayor and Council for their consideration a revised plan regarding the Historic Carrollton Train Depot. City Manager Coleman advised that he, Architect Kent Brown, and Depot Committee Chairman Brad Tuggle have worked to alter the original plan for renovations of the depot so that it could be partially completed using local craftsman/talent and materials. In addition, CM Coleman noted that by utilizing the revised plan it is their belief that the depot can be stabilized or "dried in" and substantially completed on the exterior which will prevent further deterioration and allow some limited type of use when the work is complete. CM Coleman requested that the Mayor and Council consider approving that the remaining dedicated 1993 SPLOST proceeds in the amount of \$538,000 be used to fund this phase of renovation. CM Coleman also advised that this plan would not defer the State of Georgia D.O.T. Grant to another project because the project could be done for the stated amount under D.O.T. guidelines and requirements and it is his opinion that this is the most prudent plan given the present extreme economic crisis. Depot Committee Chairman Brad Tuggle spoke on behalf of the matter and advised that he was in favor of moving forward with the project.

**Motion by Councilmember Maierhofer, seconded by Councilmember Gray to allow City Manager to move forward with usage of remaining dedicated 1993 SPLOST proceeds in the amount of \$538,000 for renovation of the Carrollton Historic Depot. Motion passed (5-0).**

**7. Tanner Street Parking Deck**

City Manager Coleman presented to the Mayor and Council for their review and approval a rendering of the Carroll County Justice Center Parking Deck, as depicted by Architect Alan Bell. CM Coleman advised that Mr. Bell has worked very closely with the Carroll County Justice Center Architect Alex Roush to ensure design and appearance are compatible. Also, Carroll County Chairman Bill Chappell has been involved and is satisfied with the preliminary design and appearance of the deck. The initial size of the parking deck has been increased from approximately 228 spaces to approximately 300 spaces, at the County's request. Chairman Chappell has indicated that the County is willing to pay for the increase in cost, proportionally, for the added spaces. CM Coleman advised that he would like to go to bid on this project as the County has expressed that they would like for the deck to be completed by mid summer so that they may begin construction of the Justice Center.

**Motion by Councilmember Maierhofer, seconded by Councilmember Gray to allow City Manager to move forward with bid solicitation for Tanner Street Parking Deck as designed. Motion passed (5-0).**

**8. Appointments – Planning Commission (3)**

**Motion by Councilmember Gray, seconded by Councilmember Maierhofer to reappoint Richard Larkin, Bob Tatum, and Bill Dees to additional terms on the Planning Commission (terms expiring 12/31/11). Motion passed (5-0).**

**9. Tabled Appointments of December 1, 2008**

**Carrollton Parks, Recreation & Cultural Arts Commission (2)**

**Motion by Mayor Garner, seconded by Councilmember Maierhofer to appoint Deirdre Rouse and Mary Alice Cochran to terms on the Carrollton Parks, Recreation & Cultural Arts Commission (terms expiring 10/01/2011). Motion passed (5-0).**

**10. Appointment – MainStreet Board (3)**

**Motion by Councilmember Maierhofer, seconded by Councilmember Gray to appoint Cristi Hanson Phommasith to the unexpired term of April Brewer on Main Street Board (partial term expiring 12/31/2009) and to reappoint Richard Diment and Pam Stallings Almon to additional terms (terms expiring 12/31/2011). Motion passed (5-0).**

**11. Appointment – Carrollton Redevelopment Authority (2)**

**Motion by Councilmember Gray, seconded by Councilmember Maierhofer to reappoint Jim Gill and Bill Allen to additional terms on the Carrollton Redevelopment Authority (term expiring 12/31/2011). Motion passed (5-0).**

**12. Appointment – Carrollton Payroll Development Authority (1)**

**Motion by Councilmember Gray, seconded by Councilmember Byrd to reappoint Jim Gill to an additional term on the Carrollton Payroll Development Authority (term expiring 12/31/2011). Motion passed (5-0).**

**VI. MAYOR AND COUNCIL ANNOUNCEMENTS**

There were none.

**VII. CITY MANAGER ANNOUNCEMENTS**

There were none.

**VIII. ADJOURN**

There being no further business to address, the meeting adjourned at 7:41 p.m.